

Selected Victim Related Legislation Passed  
During the 2006 Session of the Virginia General Assembly

Table of Contents

HB 21 Victims of crime; notice of court hearings.....	2
HB 438 Probation officers; court may order that investigations & reports only contain certain information. ....	2
HB 617 Profits from crime; subject to special order of escrow, with profits going to victim. ....	2
Victim notification program; civil immunity for operation thereof. ....	3
HB 1036 Campus safety; DCJS to develop training standards for officers, provide support to their depts.....	3
HB 1156 Sexual and domestic violence; confidentiality of records.....	3
HB 1263 Telephone or telegraph communication; unlawful to tamper with when needed for emergency.....	4
HB 1322 Mental illness; notice of release of acquittee. ....	4
HB 1350 District court; remove case to circuit court if dismissal on basis that statute is unconstitutional.....	4
HB 1351 Adult abuse; requires mandated reporters to notify law-enforcement directly in cases thereof. ....	5
HB 1409 Domestic Violence Victim Fund; changing name to Sexual and Domestic Violence Victim Fund. ....	5
HB 1536 Residential Landlord and Tenant Act; property of deceased tenants.....	5
HJ 35 Driving under influence of alcohol or drugs; Crime Comm. to study existing punishments therefor.....	6
HJ 115 Sex offenders; Crime Commission to study need for additional institutional programming. ....	6
HJ 136 Juvenile justice system; Crime Commission to study.....	6
SB 118 Landlord and tenant; not to be evicted for certain disturbances that occur on leased premises. ....	6
SB 120 Protective orders; respondent to pay deposits to connect or restore utility services. ....	7
SJ 126 Prisoner Reentry to Society, Program for; Joint Subcommittee Studying, continued.....	7

## **HB 21 Victims of crime; notice of court hearings**

Amends and reenacts § 19.2-11.01 of the Code of Virginia.

*Summary:*

Provides that victims shall be notified of the release of an accused on bail from a jail or Department of Corrections.

*Patrons:* Fralin and McQuigg

## **HB 438 Probation officers; court may order that investigations & reports only contain certain information.**

Amends and reenacts § 19.2-299 of the Code of Virginia.

*Summary:*

Allows the court, with the concurrence of the Commonwealth and the defense, to use a presentence report which contains only the defendant's criminal history, any history of substance abuse, any physical or health-related problems, and any applicable sentencing guideline worksheets. This expedited report shall be subject to all the same procedures as all other sentencing reports and sentencing guidelines worksheets, but shall not be used over the objection of the defendant or the Commonwealth. It appears that expedited presentence reports would not include Victim Impact Statements.

*Patron:* Griffith

## **HB 617 Profits from crime; subject to special order of escrow, with profits going to victim.**

Amends and reenacts §§ 19.2-368.5, 19.2-368.20, and 19.2-368.21 of the Code of Virginia.

*Summary:*

This bill provides that profits from crime are subject to a special order of escrow, with the profits going to the victim. If there is money remaining after a judgment in favor of the victim is paid or if there is no judgment in favor of a victim, escrow funds may be used to pay 1) court ordered restitution, 2) the defendant's legal fees paid by the Commonwealth, however, no more than 25% of the proceeds in escrow may be used for legal representation, and 3) fines or costs assessed against the defendant.

Under current law, any money remaining in escrow after five years is paid into the Criminal Injuries Compensation Fund. This proposal would require that such funds be paid into the Literary Fund. This statutory amendment is made to conform to Article VIII, Section 8 of the Virginia Constitution which requires forfeited assets, other than those involved in the distribution of illegal drugs, be deposited into the Literary Fund.

The enrolled bill includes language describing the content to be included in the petition seeking escrow and the court process for hearing and deciding the matter.

*Patrons:* O'Bannon, Athey, Cosgrove, Gear, Gilbert, Iaquinto, Jones, S.C., Landes, Nixon, Oder, Rust, Sherwood and Wright

### **Victim notification program; civil immunity for operation thereof.**

Adds a section numbered 8.01-226.11 to the Code of Virginia.

*Summary:*

Provides that the Virginia Sheriffs' Association and the Virginia Community Policing Institute, and the directors, managers, members, officers and employees of such entities are immune from civil liability for their acts or omissions relating to the establishment and operation of an automated victim notification system unless such act or omission was the result of gross negligence or willful misconduct.

*Patrons:* Sherwood, Athey, Callahan, Cosgrove, Gear, Gilbert, Kilgore, Landes, Lingamfelter, Nixon, O'Bannon, Oder, Rust, Suit, Welch and Wright

### **HB 1036 Campus safety; DCJS to develop training standards for officers, provide support to their depts.**

Amends and reenacts § 9.1-102 of the Code of Virginia.

*Summary:*

Requires the Department of Criminal Justice Services to develop training standards for campus security officers and to provide technical support and assistance to campus police departments and campus security departments. The bill has an effective date of July 1, 2007. This bill incorporates House Bill 154.

*Patrons:* Hamilton and Melvin; *Senators:* Norment and Stolle

### **HB 1156 Sexual and domestic violence; confidentiality of records.**

Amends and reenacts § 63.2-1612 of the Code of Virginia.

*Summary:*

Requires providers of sexual or domestic violence services to keep victim records confidential and requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to assure the confidentiality of victim

records and records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq.

*Patrons:* Janis, Bell, Frederick, Gilbert, Iaquinto and Lohr

### **HB 1263 Telephone or telegraph communication; unlawful to tamper with when needed for emergency.**

Amends and reenacts § 18.2-164 of the Code of Virginia.

*Summary:*

Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

*Patron:* Janis

### **HB 1322 Mental illness; notice of release of acquittee.**

Amends and reenacts § 19.2-182.4 of the Code of Virginia.

*Summary:*

Provides that the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall give notice of the granting of an unescorted community visit to any victim of a felony offense against the person punishable by more than five years in prison that resulted in the charges on which a person was acquitted because of mental illness, or to the next-of-kin of the victim at the last known address, provided the person seeking notice submits a written request for such notice to the Commissioner.

*Patron:* Morgan

### **HB 1350 District court; remove case to circuit court if dismissal on basis that statute is unconstitutional.**

Amends and reenacts § 19.2-398 of the Code of Virginia and adds a section numbered 16.1-131.1.

*Summary:*

Provides that the district court shall remove a case to circuit court if the defendant moves for dismissal on the basis that the statute is unconstitutional. The bill also allows a pretrial appeal by the Commonwealth if the circuit court dismisses a criminal warrant, information or indictment or charge on the ground that a statute is unconstitutional.

*Patrons:* Bell, Albo, Athey, Callahan, Cosgrove, Gilbert, Landes, Lingamfelter, Marshall, D.W., O'Bannon, Welch and Wright; Senator: Stolle

**HB 1351 Adult abuse; requires mandated reporters to notify law-enforcement directly in cases thereof.**

Amends and reenacts § 63.2-1605 of the Code of Virginia.

*Summary:*

Requires local departments of social services or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, to notify the local law-enforcement agency directly in any cases of (i) sexual abuse as defined in § 18.2-67.10, (ii) serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect, or (iii) any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

*Patrons:* Bell, Albo, Athey, Callahan, Cosgrove, Ebbin, Jones, S.C., Landes, Lingamfelter, Marshall, D.W., O'Bannon, Sherwood, Suit, Welch and Wright

**HB 1409 Domestic Violence Victim Fund; changing name to Sexual and Domestic Violence Victim Fund.**

Amends and reenacts § 9.1-116.1 of the Code of Virginia.

*Summary:*

Changes the name of the fund to *Sexual & Domestic Violence Victim Fund*.

*Patrons:* Crockett-Stark and Carrico

**HB 1536 Residential Landlord and Tenant Act; property of deceased tenants.**

Amends the Code of Virginia by adding in Article 5 of Chapter 13.2 of Title 55 a section numbered 55-248.38:3.

*Summary:*

Authorizes the landlord to dispose of the property of a deceased tenant provided the landlord gives at least 10 days notice to the person authorized by the tenant in the rental agreement or to the estate of the tenant in accordance with law.

*Patron:* Suit

**HJ 35 Driving under influence of alcohol or drugs; Crime Comm. to study existing punishments therefor.**

*Summary:*

Directs the Virginia State Crime Commission to study the effectiveness of existing punishments for driving while intoxicated.

*Patron:* Albo

**HJ 115 Sex offenders; Crime Commission to study need for additional institutional programming.**

*Summary:*

Directs the Virginia State Crime Commission to study the need for additional institutional programming at the Department of Corrections to treat sex offenders. A report on the study shall be filed no later than the first day of the 2007 Session.

*Patrons:* Kilgore, Albo, Bell, Ebbin, Melvin and Moran; Senators: Howell, Norment and Stolle

**HJ 136 Juvenile justice system; Crime Commission to study.**

*Summary:*

Directs the Virginia State Crime Commission to study Virginia's juvenile justice system.

*Patrons:* Moran and Ebbin

**SB 118 Landlord and tenant; not to be evicted for certain disturbances that occur on leased premises.**

Amends and reenacts § 55-248.31 of the Code of Virginia.

*Summary:*

Provides that a tenant may not be evicted because of family abuse against the tenant that occurs on the leased premises where the perpetrator has been barred from the dwelling unit or subjected to a protective order if the tenant makes certain timely notifications to the landlord.

*Patrons:* Howell, Cuccinelli, Ticer and Whipple; Delegates: Callahan, Plum, Scott, J.M., Sickles and Watts

**SB 120 Protective orders; respondent to pay deposits to connect or restore utility services.**

Amends and reenacts §§ 16.1-253.1 and 16.1-279.1 of the Code of Virginia.

*Summary:*

Provides that a respondent may be ordered to restore or may be enjoined from terminating a necessary utility service to the residence that the petitioner has been granted exclusive possession of. The respondent can also be ordered to pay deposits to connect or restore necessary utility services if the respondent was required to provide alternative housing for the petitioner. The bill also allows for any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

*Patrons:* Howell, Ticer and Whipple; *Delegates:* Amundson, Callahan, Plum and Scott, J.M.

**SJ 126 Prisoner Reentry to Society, Program for; Joint Subcommittee Studying, continued.**

*Summary:*

Continues for one year the joint subcommittee to study the Commonwealth's program for prisoner reentry to society. In conducting its study, the joint subcommittee shall continue to identify and develop strategies to address key needs and overcome barriers for offenders, prior to and upon leaving prison, to reduce the incidence of reincarceration and increase their successful social adaptation and integration into their communities. The joint subcommittee shall also monitor any budget provisions and changes in the law recommended over the past year to ensure maximum effectiveness. This bill also increases the study membership by adding the Attorney General, or his designee, to serve ex officio with nonvoting privileges. This resolution incorporates SJR 95.

*Patron:* Puller